

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICARDO HERBERT	:	CIVIL ACTION
	:	
v.	:	
	:	
SUPERINTENDENT GRACE, et al.	:	NO. 05-484

**O R D E R**

AND NOW, this                      day of September, 2005, upon careful and independent consideration of the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the unopposed Report and Recommendation of the United States Magistrate Judge Peter B. Scuderi, and any objections thereto, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 is DENIED.
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

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HARVEY BARTLE III                      J.